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Attorney for Defendants Kate Krawczyk and Physician ROI, LLC

**UNITED STATES DISTRICT COURT
THE CENTRAL DISTRICT OF CALIFORNIA**

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**INTERNATIONAL CELL SURGICAL SOCIETY ET
AL.,**

Plaintiffs,

Case No. 5:23-cv-00698-DOC-KK

v.

KATE KRAWCZYK ET AL.,

Defendants.

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DEFENDANTS' NOTICE OF MOTION TO DISMISS

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on 31 July 2023, at 9:00 a.m. or as soon
thereafter as counsel may be heard in Ronald Reagan Federal Building and United

States Courthouse, 411 West Fourth Street, Courtroom 10 A, Santa Ana, CA, 92701-4516, Defendants Kate Krawczyk and Physician ROI, LLC, will move this Court to dismiss Plaintiffs' International Cell Surgical Society ("ICSS"), Cell Surgical Network Corporation ("CSN"), and California Stem Cell Treatment Center ("CSCTC"), Inc.'s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction and 12(b)(6) for failure to state a claim upon which relief can be granted.

Pursuant to Federal Rule of Civil Procedure 12(b), Defendants Kate Krawczyk and Physician ROI, LLC, by and through counsel, respectfully move this Court to dismiss for lack of personal jurisdiction under Rule 12(b)(2) and failure to state a claim upon which relief can be granted under Rule 12(b)(6), and for other and further relief as the Court deems just and proper. In support, Defendants submit their Memorandum of Law dated 17 June 2023, which is being filed contemporaneously with this Motion, the accompanying Exhibits, and a Proposed Order.

This Motion is made following the conference of counsel pursuant to L.R. 7-3 that took place from 21 April 2023 to 15 June 2023 by email and phone as well as following almost two months of settlement negotiations. Pursuant to the Local Rules, Defendants' counsel met and conferred with counsel for Plaintiffs via email and phone. Please note, the meet and confer and subsequent settlement

negotiations did result in progress towards a resolution of this dispute, and the parties recently agreed to enter into mediation and filed another stipulation to extend the time for Defendants to respond to the Complaint, so that the parties could avoid waiting time and resources on litigating if there is an opportunity to resolve this dispute. That said, according to the Local Rules, any stipulation to extend for more than 30 days after the initial date the Defendants were to respond to the Complaint is not effective until approved by the Court; therefore, as Defendants do not want to miss their only opportunity to file their Motion to Dismiss, Defendants must file this Motion to Dismiss even though settlement negotiations among the parties are progressing well.

Dated: 17 June 2023

/s/LILLIAN KHOSRAVI/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed using this Court's CM/ECF notification service, which sent notification of such filing to all pro se parties and counsel of record on 17 June 2023.

Dated: 17 June 2023

/s/LILLIAN KHOSRAVI/
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